

### **Amendments To The Claims**

To avoid appeal at this time, please cancel all claims (10 and 19-38) without prejudice to their being filed in another application.

Please substitute the following claims 39-58, based on the original claims filed in USSN 09/609,996 [Docket 009AUS] and previously nonelected as Group II, DNA Compositions, classified in Subclass 536/23.1. (Bracketed characters after some claims refer to the Group and original Claim number.)

The status of all claims is now:

1-38 (Canceled)

39. A composition of matter comprising DNA, substantially free of added nucleases, and containing less than about 3% by weight RNA. [II-3]

40. A composition of Claim 39 additionally comprising less than 0.0001 weight% RNase. [II-5]

41. A composition of Claim 39 comprising a plasmid DNA encoding proteins for use as a vaccine. [II-6]

42. A composition of Claim 41 wherein the protein comprises influenza proteins. [II-7.]

43. The composition of Claim 39 additionally comprising a content of eukaryotic ribonucleases of less than 0.1% by weight. [II-13.]

44. A composition of Claim 39 comprising less than about 0.1 Units endotoxin per microgram plasmid DNA (EU/ $\mu$ g or IE/ $\mu$ g). [II-34]

45. A composition of Claim 39 comprising less than 0.3 Units endotoxin per microgram plasmid DNA (EU/ $\mu$ g or IE/ $\mu$ g). [II-36]

46. A composition of Claim 39 comprising less than 0.1 Units endotoxin per microgram plasmid DNA (EU/ $\mu$ g or IE/ $\mu$ g). [II-37]

47. A composition of Claim 39 additionally comprising compaction agent selected from the group consisting of: basic polypeptides, polyamines, trivalent and tetravalent metal ions.

48. A composition of Claim 39 additionally comprising compaction agent selected from the group consisting of: basic polypeptides, polyamines, trivalent and tetravalent metal ions (i.e. hexamine cobalt, chloropentamine cobalt, chromium (III)), netropsin, distamycin, lexitropans, DAPI (4', 6 diamino 2-phenylindol), berenil, pentamidine, and manganese chloride.

49. A composition of Claim 39 additionally comprising compaction agent selected from the group consisting of: polylysine, protamine, spermidine, spermine, cadaverine hexamine cobalt, chloropentamine cobalt, chromium (III)), netropsin, distamycin, lexitropans, DAPI (4', 6 diamino 2-phenylindol and manganese chloride.

50. A composition of Claim 41 additionally comprising compaction agent selected from the group consisting of: basic polypeptides, polyamines, trivalent and tetravalent metal ions.

51. A composition of Claim 41 additionally comprising compaction agent selected from the group consisting of: basic polypeptides, polyamines,

trivalent and tetravalent metal ions (i.e. hexamine cobalt, chloropentamine cobalt, chromium (III)), netropsin, distamycin, lexitropans, DAPI (4', 6 diamino 2-phenylindol), berenil, pentamidine, and manganese chloride.

52. A composition of Claim 41 additionally comprising compaction agent selected from the group consisting of: polylysine, protamine, spermidine, spermine, cadaverine hexamine cobalt, chloropentamine cobalt, chromium (III)), netropsin, distamycin, lexitropans, DAPI (4', 6 diamino 2-phenylindol and manganese chloride.

53. A composition of Claim 43 additionally comprising compaction agent selected from the group consisting of: basic polypeptides, polyamines, trivalent and tetravalent metal ions.

54. A composition of Claim 43 additionally comprising compaction agent selected from the group consisting of: basic polypeptides, polyamines, trivalent and tetravalent metal ions (i.e. hexamine cobalt, chloropentamine cobalt, chromium (III)), netropsin, distamycin, lexitropans, DAPI (4', 6 diamino 2-phenylindol), berenil, pentamidine, and manganese chloride.

55. A composition of Claim 43 additionally comprising compaction agent selected from the group consisting of: polylysine, protamine, spermidine, spermine, cadaverine hexamine cobalt, chloropentamine cobalt, chromium (III)), netropsin, distamycin, lexitropans, DAPI (4', 6 diamino 2-phenylindol and manganese chloride.

56. A composition of Claim 39 substantially free of animal-derived proteins and of non-host-derived ribonucleases.

57. A composition of Claim 41 substantially free of animal-derived proteins and of non-host-derived ribonucleases.

58. A composition of Claim 43 substantially free of animal-derived proteins and of non-host-derived ribonucleases.